

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Diana Arreaga	Team: Squad #6	CCRB Case #: 201607782	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 09/05/2016 1:00 PM	Location of Incident: Behind the Bronx Supreme Court House located at 265 East 161st Street	Precinct: 44	18 Mo. SOL 3/5/2018	EO SOL 3/5/2018	
Date/Time CV Reported Mon, 09/12/2016 3:33 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/12/2016 3:33 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Smith	29038	942823	044 PCT
2. POF Laura Cadavid	26144	948730	044 PCT
3. POM Gerson Cabrera	07520	948727	044 PCT
4. POM Dywayne Harris	10473	949660	044 PCT
5. POM Daniel Maria	22210	954096	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Smith	Abuse: Police Officer Michael Smith questioned § 87(2)(b) and § 87(2)(b)	
B.POM Michael Smith	Abuse: Police Officer Michael Smith stopped § 87(2)(b) and § 87(2)(b)	
C.POM Michael Smith	Abuse: Police Officer Michael Smith searched § 87(2)(b) s bag.	
D.POM Gerson Cabrera	Abuse: Police Officer Gerson Cabrera searched § 87(2)(b) s bag.	
E.POM Michael Smith	Abuse: Police Officer Michael Smith searched § 87(2)(b) s bag.	
F.POM Daniel Maria	Abuse: Police Officer Daniel Maria searched § 87(2)(b) s bag.	
G.POF Laura Cadavid	Abuse: Police Officer Laura Cadavid frisked § 87(2)(b)	
H.POF Laura Cadavid	Abuse: Police Officer Laura Cadavid searched § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

The investigation was completed after 90 days due to difficulties in identifying and scheduling all five officers involved in this incident for CCRB interviews and obtaining phone statements for the two witness FDNY EMTs who responded to the incident.

Case Summary

On September 12, 2016, § 87(2)(b) filed the following complaint via telephone with the CCRB. On September 21, 2016, § 87(2)(b) and § 87(2)(b) were interviewed at the CCRB.

On September 5, 2016, at approximately 1:00 p.m., § 87(2)(b) and § 87(2)(b) exited a methadone clinic located at § 87(2)(b) in the Bronx. § 87(2)(b) was given a methadone bottle to use over the week which she placed inside of her black backpack prior to exiting the methadone clinic. § 87(2)(b) and § 87(2)(b) walked to a deli on the corner of East 162nd Street and Morris Avenue when § 87(2)(b) saw an unmarked black Chevrolet Impala drive up Morris Avenue. The driver of the vehicle briefly looked at § 87(2)(b) but did not say anything. After buying food at the deli, § 87(2)(b) and § 87(2)(b) sat behind the Bronx Supreme Courthouse located at 265 East 161st Street, where § 87(2)(b) and § 87(2)(b) were waiting for them. Approximately three minutes later, Police Officers Michael Smith, Gerson Cabrera, and Daniel Maria of the 44th Precinct approached § 87(2)(b) and § 87(2)(b). Police Officer Smith questioned the individuals as to what they were doing in the area and what items were inside of their bags and stopped them (**Allegations A and B**). Police Officer Smith took § 87(2)(b)'s black backpack, searched the bag, took out the methadone bottle and then replaced the bottle back inside of the bag (**Allegation C**). Police Officer Cabrera and Police Officer Smith searched § 87(2)(b)'s black leather medication bag (**Allegations D and E**). Police Officer Maria searched § 87(2)(b)'s bag (**Allegation F**).

Police Officers Laura Cadavid and Dwayne Harris of the 44th Precinct were called to the location. Soon after, § 87(2)(b) entered into a seizure. Police Officer Cadavid frisked § 87(2)(b) as she was having a seizure (**Allegation G**). An ambulance arrived to the location and § 87(2)(b) was placed inside. Police Officer Cadavid allegedly frisked (within Allegation G) and searched § 87(2)(b) while inside of the ambulance (**Allegation H**). § 87(2)(b) was transported to § 87(2)(b). No individual involved in this incident was arrested or issued a summons as a result of this incident.

§ 87(4-b), § 87(2)(g)

No video footage was found regarding this incident. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was ineligible to mediate § 87(2)(b).
- As per the NYC Comptroller's Office, as of December 8, 2016, § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim regarding this incident (Board Review 01).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Civilian and Officer CCRB Histories

- [§ 87(2)(b)] has one prior complaint CCRB case [§ 87(2)(b)]
- [§ 87(2)(b)] has two prior complaints, [§ 87(2)(b)]
- Police Officer Smith has been a member of the NYPD for 10 years and has 30 allegations in 15 cases with one substantiated allegation (see officer history).
 - In CCRB case #201408921, an allegation of physical force was substantiated against Police Officer Smith and he was recommended charges.
 - [§ 87(2)(g)]
- Police Officer Cabrera has been a member of the NYPD for six years and has seven allegations in three cases with no substantiated allegations (see officer history).
- Police Officer Maria has been a member of the NYPD for three years and has one allegation in one case which was substantiated and is currently involved in CCRB case #201700437 (see officer history).
 - In CCRB case #201601193, an allegation of a stop was substantiated against Police Officer Maria and he was recommended formalized training.
 - [§ 87(2)(g)]
- Police Officer Cadavid has been a member of the NYPD for six years and has 11 allegations in five cases with no substantiated allegations (see officer history).
- Police Officer Harris has been a member of the NYPD for six years and has two allegations in two cases with no substantiated allegations (see officer history).

Potential Issues

- The CCRB was unable to obtain a statement from [§ 87(2)(b)] a victim in this incident. On September 22, 2016, [§ 87(2)(b)] was contacted and a voicemail message was left. On September 28, 2016, [§ 87(2)(b)] stated that she recalled the incident but was unable to provide a phone statement at the time. Between October 4, 2016, and October 17, 2016, three additional calls were made to [§ 87(2)(b)] and voicemail messages were left on all occasions. Two please call letters were sent to [§ 87(2)(b)] which were not returned by the U.S. Postal Service.
- The CCRB was unable to obtain a statement from [§ 87(2)(b)] a victim in this incident. On October 6, 2016, [§ 87(2)(b)] stated that she did not want to participate in the complaint.
- [§ 87(2)(b)] refused to sign HIPAA forms in order to obtain her medical records for this incident and instead provided copies of her medical discharge papers.

Findings and Recommendations

Explanation of Subject Officer Identification

On September 15, 2016, § 87(2)(b) provided a phone statement (Board Review 04) and was interviewed at the CCRB on September 21, 2016 (Board Review 05). § 87(2)(b) described the officer who stopped and questioned all four individuals and who searched her and § 87(2)(b)'s bags as a white male, approximately 6'0" – 6'2" tall, with brown hair in a medium spiky haircut, muscular build, and in plain clothes. § 87(2)(b) believed this officer to be Police Officer Michael Smith of the 44th Precinct. She explained that she was previously arrested by Police Officer Smith which is how she obtained his name. Arrest Report #§ 87(2)(b) for § 87(2)(b) on April 25, 2016, indicates that Police Officer Smith was the arresting officer (Board Review 06). She identified Police Officer Smith from both photo array #49992 and a single photo viewing.

§ 87(2)(b) described the officer who searched § 87(2)(b)'s bag as a white male, approximately 5'10" tall, dark brown/ black hair in a faded haircut, and in plain clothes. § 87(2)(b) described the officer who frisked and searched her as a Hispanic female with a light to medium skin complexion, approximately 5'2" – 5'3" tall, with brown hair, thick build, and in a navy blue uniform. She identified Police Officer Cadavid from a single photo viewing as this officer. § 87(2)(b) described the fourth officer on scene as a Hispanic male with a medium caramel complexion, approximately 5'4" – 5'5" tall, dark black hair, with a goatee and a short beard that covered most of his face and in plain clothes. She identified Police Officer Cabrera from a single photo viewing as this officer. § 87(2)(b) described the fifth officer on scene as a black male, approximately 5'9" tall, close to being bald, medium build, and in a navy blue uniform.

On September 21, 2016, § 87(2)(b) provided a phone statement (Board Review 07) and was interviewed at the CCRB on September 21, 2016 (Board Review 08). § 87(2)(b) described the subject officer who questioned and stopped all four individuals and who searched her and § 87(2)(b)'s bags as a white male, approximately 5'9" – 6'1" tall and in plain clothes. § 87(2)(b) believed this officer to be Police Officer Smith. § 87(2)(b) explained that she was previously arrested by Police Officer Smith which is how she obtained his name. Arrest Report #§ 87(2)(b) for § 87(2)(b) on February 26, 2016, indicates that Police Officer Smith was the arresting officer (Board Review 09). She identified Police Officer Smith from a single photo viewing.

§ 87(2)(b) described the officer who searched her bag as a Hispanic male with a medium to dark skin complexion, approximately 5'8" tall, slim build, and with short hair. § 87(2)(b) described the officer who frisked § 87(2)(b) as a female. § 87(2)(b) described the fourth officer on scene as a white male. She described the fifth officer on scene as a black male, husky build, and in a navy blue uniform. She identified Police Officer Harris from a single photo viewing as this officer.

An MOS photo and pedigree sheet shows that Police Officer Smith is a white male, 6'2" tall, heavy build with short brown hair. On November 15, 2016, Police Officer Smith was interviewed at the CCRB (Board Review 10). Police Officer Smith did not recall having any interaction with the individuals on the incident date. He stated that he previously arrested § 87(2)(b) on February 26, 2016, and has not seen § 87(2)(b) since her arrest date. Police Officer Smith did not recall what he was doing prior to an arrest he made on the incident date at 2:45 p.m. at East 162nd Street and Teller Avenue. He did not recall being involved in an incident that took place behind the Bronx Supreme courthouse involving a female who had a seizure.

An MOS photo and pedigree sheet shows that Police Officer Cabrera is a Hispanic male, 5'9" tall, average build with short brown hair. On November 17, 2016, Police Officer Cabrera was interviewed at the CCRB (Board Review 11). Police Officer Cabrera did not recall having any interaction with the individuals on the incident date. He had no entries in his memo book aside from his start and end of tour. He explained that he took no enforcement activity on the incident date and so he made no entries. He did not recall who was his assigned partner and did not recall what he actions he took throughout his tour on the incident date.

An MOS photo and pedigree sheet shows that Police Officer Cadavid is a Hispanic female, 5'5" tall, average build with brown hair. On November 29, 2016, Police Officer Cadavid was interviewed at the CCRB (Board Review 12). Police Officer Cadavid confirmed that she and Police Officer Harris responded to the location after receiving a phone call from either Police Officer Smith or Police Officer Cabrera requesting § 87(2)(b) to be frisked at the location.

An MOS photo and pedigree sheet shows that Police Officer Harris is a black male, 6'1" tall, average build and completely bald. On December 8, 2016, Police Officer Harris was interviewed at the CCRB (Board Review 13). Police Officer Harris confirmed that he and Police Officer Cadavid were called to the incident location so that Police Officer Cadavid could frisk § 87(2)(b). He identified Police Officer Smith, Police Officer Cabrera, and Police Officer Maria as already being on scene when they arrived. He stated that Police Officer Smith was the primary contact officer.

An MOS photo and pedigree sheet shows that Police Officer Maria is a white male, 6'2" tall, thin build with short brown hair. On December 15, 2016, Police Officer Maria was interviewed at the CCRB (Board Review 14). Police Officer Maria confirmed that he, Police Officer Smith, and Police Officer Cabrera were involved in the incident. Police Officer Maria stated that it was Police Officer Smith's decision to approach the individuals after observing two individuals exchange something. Police Officer Smith was the primary contact officer.

Police Officers Cadavid, Harris, and Maria all corroborated that Police Officer Smith was the primary contact officer. § 87(2)(g)

Police Officer Cabrera was the only Hispanic male on scene. § 87(2)(g)

Police Officer Maria admitted to being on scene during the initial approach of the individuals and is the only other white male officer on scene. § 87(2)(g)

Police Officer Cadavid admitted that she frisked § 87(2)(g)

§ 87(2)(g)

Allegation A – Abuse of Authority: Police Officer Michael Smith questioned § 87(2)(b)

and § 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Michael Smith stopped § 87(2)(b)

and § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Michael Smith searched § 87(2)(b)

s bag.

Allegation D – Abuse of Authority: Police Officer Gerson Cabrera searched § 87(2)(b)

s bag.

Allegation E – Abuse of Authority: Police Officer Michael Smith searched § 87(2)(b) s bag.

Allegation F – Abuse of Authority: Police Officer Daniel Maria searched § 87(2)(b) s bag.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) stated that she, § 87(2)(b) and § 87(2)(b) exited a methadone clinic located at § 87(2)(b) in the Bronx (Board Reviews 04 and 05). § 87(2)(b) was given a methadone bottle from the clinic which she had placed into her black backpack prior to exiting the clinic. § 87(2)(b) and § 87(2)(b) began to walk in the direction towards a nearby deli located on the corner of East 162nd Street and Morris Avenue, when she observed a black Chevrolet Impala driving in the opposite direction. The driver's side window of the vehicle was down but § 87(2)(b) was unable to see who was operating the vehicle. The driver of the vehicle briefly looked at § 87(2)(b) did not say anything, and continued driving away. § 87(2)(b) and § 87(2)(b) entered into the deli.

Approximately five minutes later, § 87(2)(b) and § 87(2)(b) exited the deli, after purchasing coffee and cream cheese sandwiches, and walked to a location behind the Bronx Supreme Courthouse, located at 265 East 161st Street, where § 87(2)(b) and § 87(2)(b) were waiting for them. As the individuals were eating their food, § 87(2)(b) began to feel as if she was going to enter into a seizure. Less than three minutes later, Police Officers Smith, Cabrera, and Maria approached the individuals. Police Officer Smith asked the individuals what they were doing in the area and what they had inside of their bags. § 87(2)(b) responded that they had sat down to drink coffee.

§ 87(2)(b) left her black leather bag on the stone slab next to her. § 87(2)(b) left her yellow backpack next to her as well. § 87(2)(b) had her purse wrapped around the front of her arms. Police Officer Smith did not ask any of the individuals if he could look through their bags. § 87(2)(b) and § 87(2)(b) did not provide consent to have their bags searched. Police Officer Smith took § 87(2)(b)'s bag, searched the bag, and removed the methadone bottle. § 87(2)(b) showed Police Officer Smith a Medicaid card to prove the bottle belonged to her. Police Officer Smith replaced the bottle back into the bag. He then took § 87(2)(b)'s bag, searched it, and placed both bags back onto the stone slab. Police Officer Smith instructed Police Officer Maria to search § 87(2)(b)'s bag. Police Officer Maria searched § 87(2)(b)'s bag.

§ 87(2)(b) provided similar during her phone statement and verified statement. § 87(2)(b) and § 87(2)(b) exited the deli and walked towards the back of the courthouse (Board Reviews 07 and 08). They did not speak to anyone and made no stops on the way to the courthouse. As § 87(2)(b) was about to take a bite from her sandwich, Police Officers Smith, Cabrera, and Maria approached them and Police Officer Smith asked the individuals what they were doing. § 87(2)(b) replied that they were eating.

Police Officer Cabrera took § 87(2)(b)'s yellow backpack bag which contained her medication and searched it. When Police Officer Cabrera saw nothing inside he returned the bag to § 87(2)(b). Police Officer Smith took § 87(2)(b)'s bag, searched it, and then replaced it on the stone slab. He then took § 87(2)(b)'s bag and searched the bag to make sure Police Officer Cabrera had not missed anything. § 87(2)(b) and § 87(2)(b) did not consent to have their bags searched.

As previously explained, several unsuccessful attempts were made to contact § 87(2)(b) a victim in this case, in order to obtain a statement regarding the incident. § 87(2)(b) a victim in this case, stated that she did not want to participate in the investigation.

Police Officer Smith did not have an independent recollection of the incident and did not recall interacting with any of the individuals (Board Review 10). He stated that he previously arrested both § 87(2)(b) and § 87(2)(b). He has not seen them since the day of their arrests. He did not recall responding to an incident that took place behind the Bronx Supreme Courthouse. He did not recall participating in the stop of the individuals.

Police Officer Cabrera did not have an independent recollection of the incident (Board Review 11). As previously explained, Police Officer Cabrera did not recall what actions he took throughout his tour on the incident date.

Police Officer Maria acknowledged that he, Police Officer Smith, and Police Officer Cabrera approached § 87(2)(b) and § 87(2)(b) (Board Review 14). He did not recall § 87(2)(b) being present during the incident. All three officers were walking in the area behind the courthouse which was a drug prone area known for the sale of narcotics such as heroine, pills, and suboxone. Police Officer Maria saw three females seated on a stone slab approximately 20-30 feet from where he and the officers were standing. Police Officer Smith told Police Officer Maria that he observed one individual pass something to another individual. Police Officer Smith did not tell Police Officer Maria what he suspected was passed or what he saw passed. Police Officer Maria did not observe any of the individuals exchange anything. It was Police Officer Smith's decision to approach the individuals. All three officers then approached the individuals.

§ 87(2)(b) took out a black plastic shopping bag which contained a juice and something wrapped in aluminum foil. § 87(2)(b) showed the officers the opened bag while stating, "Look at it. I don't have anything." Police Officer Smith looked inside of the bag. Police Officer Maria did not recall if Police Officer Smith placed his hands inside of the bag. Police Officer Maria did not hear Police Officer Smith ask the individuals what they had in their bags or ask what they had passed to one another. § 87(2)(b) told the officers, "You can check my bags, our bags, and you can check me." Police Officer Maria did not recall if Police Officer Smith searched any of the individuals' bags. He did not recall if Police Officer Cabrera searched any of the individuals' bags. Police Officer Maria denied searching any of the individuals' bags while on scene.

Police Officer Cadavid stated that she had received a call over the radio informing her that Police Officer Smith had stopped several individuals and requested that she respond to the location (Board Review 12).

Police Officer Harris stated that while in the police vehicle, he received a call that officers had stopped several individuals and required assistance at the location of East 161st Street and Morris Avenue (Board Review 13). He stated that the incident location is a drug prone area known for the purchase and distribution of heroin, crack cocaine, prescription pills, etc.

There were no entries in Police Officer Smith, Cabrera, and Maria's memo books indicating the stop of § 87(2)(b) and § 87(2)(b) had occurred (Board Reviews 15 – 17). In addition, according to the 44th Precinct, a Stop and Frisk Report was not prepared for this incident (Board Review 18). Events # § 87(2)(b) for this incident noted a female having a seizure behind East 162nd Street and Morris Avenue (Board Review 19).

An officer may stop and question a person when the officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a felony or misdemeanor. People v. DeBour, 40 N.Y.2d 210, 233 (1976) (Board Review 21). This type of police encounter, referred to as a level one intrusion, constitutes an interference with the individual's liberty, and therefore must be justified by "an objective credible reason [,] not necessarily indicative of criminality." People v. Barksdale, 26 N.Y.3d 139 (2015) (Board Review 22). Innocuous behavior

does not generate a founded or reasonable suspicion that criminality is afoot. People v. Hampton, 200 A.d.2d 466 (1994) (Board Review 23).

There are four factors in determining if an alleged transfer amounts to probable cause: whether there is an exchange of currency, whether the community has a high incidence of drug trafficking, whether the police officers involved are trained and experienced in drug investigations, and whether there are additional signs of furtive or evasive behavior on the part of the participants. If there is no currency, there must be a hallmark object so frequently used in drug encounters that the exchange itself would all but constitute per se probable cause. People v. Edwards, 2005 N.Y. Misc. (Board Review 20).

Consent to a search is voluntary when it is a true act of will [and] an unequivocal product of an essentially free and unconstrained choice. People v. Richardson, 645 N.Y.S.2d (1996) (Board Review 24). An officer acting on reasonable suspicion that criminal activity is afoot and on an articulable basis to fear for his own safety may intrude upon the person or personal effects of the suspect only to the extent that is actually necessary to protect himself from harm while he conducts the inquiry. People v. Graham, 2015 NY Slip Op 09442 (Board Review 25).

§ 87(2)(g)

[illegible]

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§ 87(2)(g)

§ 87(2)(b) s shirt and felt underneath § 87(2)(b) s bra.

her life at risk. § 87(2)(b) could not identify the EMT who made this statement.

and taken into the ambulance. § 87(2)(b) accompanied § 87(2)(b) into the ambulance. Asid

from § 87(2)(b) EMT § 87(2)(b) and EMT § 87(2)(b) no other individual entered into the ambulance. Police Officer Cadavid did not enter into the ambulance and did not search § 87(2)(b). Since § 87(2)(b) was responsive there was no need for an officer to obtain any identification or information for her.

FDNY EMT § 87(2)(b) provided a phone statement on January 27, 2017 (Board Review 27) and a follow-up phone statement on February 3, 2017 (Board Review 28). EMT § 87(2)(b) found § 87(2)(b) lying on the stone slab as § 87(2)(b) and § 87(2)(b) were holding onto her head. Police Officers Cadavid and Harris were standing a distance from § 87(2)(b). Neither officer had any physical or verbal interaction with § 87(2)(b). Police Officer Cadavid did not frisk § 87(2)(b) as she was lying on the stone slab. § 87(2)(b) was placed into the ambulance and was accompanied by § 87(2)(b). Both EMTs performed an assessment on § 87(2)(b) who was responsive and provided her identification to the EMTs. Police Officer Cadavid did not enter into the ambulance and did not search § 87(2)(b) while in the ambulance. Since § 87(2)(b) provided her identification there was no need for officers to obtain her identification.

Police Officer Cadavid stated that she received a call over the radio from Police Officer Smith to go to the incident location in order to frisk § 87(2)(b) since she was the only female on the Anti-Crime team (Board Review 12). Police Officer Smith did not explain to Police Officer Cadavid why he wanted § 87(2)(b) frisked and did not explain what he suspected § 87(2)(b) had on her person. Police Officer Cadavid did not recall what § 87(2)(b) was wearing and did not recall seeing any bulges on her person. Upon arrival to the location, § 87(2)(b) entered into a seizure. Police Officer Cadavid approached § 87(2)(b) and held onto her head to prevent her from hurting herself. Police Officer Cadavid frisked § 87(2)(b)'s outer garment under the breast area and her waistband area and found nothing on her person. § 87(2)(b) was then placed into the ambulance. Police Officer Cadavid entered into the ambulance in order to obtain identification from § 87(2)(b) to give to the EMTs. Police Officer Cadavid touched § 87(2)(b) near her shoulder area by the bra straps and checked near § 87(2)(b)'s bra area from the outside of the shirt. She did not place her hands underneath § 87(2)(b)'s shirt. Police Officer Cadavid explained that she did this because majority of the females who hang around the location usually hide their identification under their bra straps.

Police Officer Harris stated that one of the officers on scene informed Police Officer Cadavid that he wanted § 87(2)(b) frisked because he suspected § 87(2)(b) had narcotics on her person (Board Review 13). Police Officer Harris did not recall which officer made this statement or what narcotics were suspected. The officer did not inform Police Officer Cadavid exactly where on § 87(2)(b)'s body he wanted her to be frisked. Police Officer Cadavid held onto § 87(2)(b)'s head as she lay on the stone slab. Police Officer Cadavid made no contact with any other part of § 87(2)(b)'s body and she did not frisk § 87(2)(b) outside of the ambulance. § 87(2)(b) was placed into the ambulance. Police Officer Cadavid accompanied her and shut the ambulance doors for privacy. A few minutes later, Police Officer Cadavid exited the ambulance while stating, "She had nothing." Police Officer Harris did not know what took place while Police Officer Cadavid was inside of the ambulance.

Police Officer Maria stated that Police Officer Cadavid and Police Officer Smith each held onto of § 87(2)(b)'s arms as she was having a seizure to prevent her from hurting herself (Board Review 14). Police Officer Cadavid did not frisk § 87(2)(b) as she was having a seizure. Police Officer Cadavid accompanied § 87(2)(b) into the ambulance. Police Officer Maria did not know what occurred while Police Officer Cadavid was inside of the ambulance and

was not informed of what had taken place. As previously explained, Police Officers Smith and Cabrera did not have independent recollections of this incident (Board Reviews 10 and 11)

Via the fellow officer rule, an officer is entitled to rely on information provided by another officer, as it is presumed to be accurate and trustworthy. People v. Powell, 101 A.D.3d756 (2nd Dept., 2012) (BR 29).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

§ 87(2)(g), § 87(4-b)

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Squad: 6

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date